



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

24239 7590 05/01/2009

MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

EXAMINER	
BRUCKART, BENJAMIN R	
ART UNIT	PAPER NUMBER
2446	

DATE MAILED: 05/01/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,686	06/27/2003	Vivek Vasudeva	014033-000010	7677

TITLE OF INVENTION: SYSTEM AND METHOD TO MONITOR PERFORMANCE OF DIFFERENT DOMAINS ASSOCIATED WITH A COMPUTER SYSTEM OR NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	08/03/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

24239 7590 05/01/2009

MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the **Mail Stop ISSUE FEE** address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,686	06/27/2003	Vivek Vasudeva	014033-000010	7677

TITLE OF INVENTION: SYSTEM AND METHOD TO MONITOR PERFORMANCE OF DIFFERENT DOMAINS ASSOCIATED WITH A COMPUTER SYSTEM OR NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	08/03/2009
EXAMINER	ART UNIT	CLASS-SUBCLASS				
BRUCKART, BENJAMIN R	2446	709-224000				

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,686	06/27/2003	Vivek Vasudeva	014033-000010	7677
24239	7590	05/01/2009	EXAMINER	
MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709				BRUCKART, BENJAMIN R
ART UNIT		PAPER NUMBER		
2446				DATE MAILED: 05/01/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 849 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 849 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/608,686	VASUDEVA, VIVEK	
	Examiner	Art Unit	
	BENJAMIN R. BRUCKART	2446	

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the interview of 4/16/09 and the response of 1/26/09.
2. The allowed claim(s) is/are renumbered to 1-58.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date ____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other ____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview and email with Frederick D Bailey, Reg. No. 42,282 on 4/16/2009.

The application has been amended as follows:

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A system to monitor performance, comprising:

at least one host machine, each at least one host machine comprising at least one probe to collect data and metrics related to performance of an associated domain, each at least one probe being embedded in the associated domain and including an associated control module containing user selectable parameters for controlling operation of each probe, the user selectable parameters comprising at least one of a type of data to be collected by the probe or a metric to be collected by the probe; ~~and~~

at least one base station to receive the collected data or metric from associated ones of the at least one probe, the collected data being transferred from the at least one probe of the at least one host to the at least one base station on a low priority thread scheduled when higher priority threads of an operating system of the at least one host machine are not doing any useful ~~work,work~~;

a server, the server interfacing between a browser and the at least one base station, a data structure running on the server being capable of retrieving selected data and streaming out live or real-time trends and reports of operation or performance of each of the ~~domains,domains~~; and

an interoperable naming service to register each base station and to assign a unique identifier associated with each base station in response to the base station becoming active,

wherein each at least one probe may dynamically receive a new control module containing changes to the user selectable parameters and operate using the changes without affecting operation of the associated domain, the at least one probe releasing any resources utilizable by the probe in response to the probe being unable to associate with the at least one base station, and

wherein the at least one probe comprises a system probe to gather operating system data and metrics.

2. (Previously Presented) The system of claim 1, wherein the system probe gathers at least one of network data and performance data related to operation of an associated at least one host machine.

3. (Original) The system of claim 2 wherein the system probe comprises a data structure to gather kernel data.

4. (Original) The system of claim 3, wherein the system probe comprises a data structure to gather data in a single process address by taking a snapshot of a kernel image at a selected time interval and to categorize the data.

5. (Original) The system of claim 2, wherein the system probe comprises a Java Native Interface to gather data.

6. (Original) The system of claim 2, wherein the system probe transmits data to an associated base station using Transmission Control Protocol.

7. (Original) The system of claim 2, wherein the at least one base station transmits signals to an associated system probe using User Datagram Protocol.

8. (Original) The system of claim 1, wherein the at least one probe comprises at least one application probe associated with an application.

9. (Original) The system of claim 8, wherein each application probe and an associated base station communicate using User Datagram Protocol.

10. (Original) The system of claim 8, further comprising a queue to store data collected by the at least one application probe until transferred to an associated base station.

11. (Original) The system of claim 10, wherein the queue comprises a circular queue of a predetermined capacity.

12. (Original) The system of claim 10, wherein the base station comprises a data structure to request transfer of any data stored in the queue and any data is transferred during time periods of internal host processor resource utilization that is below a predetermined level.

13. (Original) The system of claim 10, further comprising a Java Virtual Machine on which the queue resides.

14. (Original) The system of claim 10, wherein the stored data is transferred to the base station on a low priority thread relative to normal operations of a host processor.

15. (Original) The system of claim 1, wherein each probe is dynamically controlled by an associated base station using User Datagram Protocol.

16. (Original) The system of claim 1, wherein each probe is dynamically controlled to alter at least a type of performance data being collected and a frequency at which the data is being collected without affecting operation of the associated domain.

17. (Canceled)

18. (Previously Presented) The system of claim 1, wherein the base station comprises a copy of the control module associated with each probe served by the base

station, wherein the control module and copy are updated each time a user selects a new parameter.

19. (Original) The system of claim 1, wherein the base station comprises a data structure to periodically ping each probe served by the base station to check a status of the probe and wherein the probe transmits its current control module information in response to the ping.

20. (Original) The system of claim 1, further comprising performance gathering code in a source code or a byte code associated with each domain to be monitored by an associated one of the at least one probe.

21. (Original) The system of claim 1, wherein the at least one probe comprises a network probe associated with each host processor to gather network data.

22. (Original) The system of claim 1, wherein the at least one probe comprises a data structure written in a Java7 programming language.

23. (Original) The system of claim 1, wherein the base station comprises a data collector to collect data from the at least one probe.

24. (Original) The system of claim 23, further comprising at least one relational database to store data from the data collector.

25. (Original) The system of claim 24, wherein the collected data is stored in relation to a time interval in the at least one relational database.

26. (Original) The system of claim 1, further comprising:
a plurality of base stations; and
a negotiator to balance a quantity of probes served by each base station.

27. (Original) The system of claim 1, further comprising a plurality of base stations, wherein each base station comprises a probe table and wherein the probe table includes a list of probe identifications and an associated probe control module for each probe served by the base station.

28. (Canceled)

29. (Canceled)

30. (Previously Presented) The system of claim 1, further comprising a probes application to run on the server to control operation of the at least one probe and to retrieve and display the selected data from collected data in response to the query.

31. (Original) The system of claim 30, wherein the probes application runs on a Java Server Page (JSP) engine.

32. (Currently Amended) The system of claim 1, further comprising a file to store predetermined queries to retrieve selected data from the collected data.

33. (Original) The system of claim 32, wherein the file comprises predetermined structured query language (SQL) queries to retrieve the selected data from a relational database.

34. (Original) The system of claim 32, wherein the file comprises predetermined mark-up language queries to retrieve the selected data from a relational database.

35. (Original) The system of claim 32, further comprising a data structure to substitute parameters entered by a user into a chosen query to retrieve the selected data.

36. (Original) The system of claim 32, further comprising a data structure to provide a link on a web page to a universal resource locator containing a path to a chosen query in the file in response to parameters selected or entered by a user on the web page.

37. (Original) The system of claim 1, further comprising a data structure to display collected data related to performance from one or more domains together.

38. (Original) The system of claim 1, further comprising a data structure to periodically retrieve updated data related to performance for one or more domains and to display the updated data.

39. (Original) The system of claim 38, further comprising an image streaming servlet to display the updated data.

40. (Previously Presented) The system of claim 1, further comprising a data structure to select the parameters for retrieving data by the at least one probe.

41. (Canceled)

42. (Canceled)

43. (Original) The system of claim 1, further comprising a plurality of probes each to collect data related to performance of a different domain within a distributed enterprise system.

44. (Previously Presented) A system to monitor performance, comprising:
at least one host machine, each at least one host machine comprising at least one probe of a plurality of probes to collect data and metrics related to performance from each of a plurality of domains, each at least one probe being embedded in an associated domain of the plurality of domains and including an associated control module

containing user selectable parameters for controlling operation of each probe, the user selectable parameters comprising at least one of a type of data to be collected by the probe or a metric to be collected by the probe;

at least one base station to receive the collected data or metric from associated ones of the plurality of probes and to control operation the probes associated with the base station, the collected data being transferred from the at least one probe of the at least one host to the at least one base station on a low priority thread scheduled when higher priority threads of an operating system of the at least one host machine are not doing any useful work[[],,];

at least one database to store the collected data; and

a server to interface between a browser and the at least one base station and to retrieve and display selected data from the at least one database in response to a query, a data structure running on the server being capable of retrieving the selected data and streaming out live or real-time trends and reports of operation or performance of each of the domains,

an interoperable naming service to register each base station and to assign a unique identifier associated with each base station in response to the base station becoming active,

wherein each at least one probe may dynamically receive a new control module containing changes to the user selectable parameters from the server and operate using the changes without affecting operation of the associated domain, the at least one probe releasing any resources utilizable by the probe in response to the probe being unable to associate with the at least one base station, and

wherein the at least one probe comprises a system probe associated with the at least one host machine to gather operating system data and metrics.

45. (Previously Presented) The system of claim 44, wherein the system probe gathers at least one of network data and performance data related to operation of the associated at least one host machine.

46. (Original) The system of claim 45, wherein the system probe transmits data to an associated base station using Transmission Control Protocol.

47. (Original) The system of claim 45, wherein the at least one base station transmits signals to an associated system probe using User Datagram Protocol.

48. (Original) The system of claim 44, further comprising at least one application probe associated with each application of a plurality of applications.

49. (Original) The system of claim 48, wherein each application probe and an associated base station communicate using User Datagram Protocol.

50. (Original) The system of claim 48, further comprising a queue to store data collected by the at least one application probe until transferred to an associated base station.

51. (Original) The system of claim 44, wherein each probe is dynamically controlled to alter at least a type of performance data being collected and a frequency at which the data is being collected without affecting operation of the associated domain.

52. (Canceled)

53. (Original) The system of claim 44, wherein the at least one base station comprises a data collector to collect data from the at least one probe.

54. (Original) The system of claim 53, further comprising at least one relational database to store data from the data collector.

55. (Original) The system of claim 54, wherein the data is stored with an associated time stamp.

56. (Original) The system of claim 44, further comprising:
a plurality of base stations; and
a negotiator to balance a quantity of probes served by each base station.

57. (Original) The system of claim 44, further comprising a plurality of base stations, wherein each base station comprises a probe table and wherein the probe table includes a list of probe identifications and an associated probe control module for each probe served by the base station.

58. (Original) The system of claim 44, further comprising:
a plurality of base stations; and
an interoperability naming service to register each base station and to assign a unique identifier associated with each base station in response to the base station becoming active to service probes.

59. (Original) The system of claim 44, further comprising a probes application to run on the server to control operation of each of the probes and to display at least some of the collected data.

60. (Original) The system of claim 44, further comprising a data structure to display at least some of the collected data for different domains together for a common time period.

61. (Original) The system of claim 44, further comprising a file to store predetermined queries to retrieve the selected data from the database for a predetermined time interval.

62. (Original) The system of claim 61, further comprising a data structure to substitute parameters entered by a user into a chosen query to retrieve the selected data.

63. (Original) The system of claim 62, further comprising a data structure to display the selected data over the predetermined time interval.

64. (Previously Presented) The system of claim 62, further comprising a data structure to periodically retrieve updated data related to the query and to display the update data.

65. (Canceled)

66. - 122. (Canceled)

REASONS FOR ALLOWANCE

The following is the examiner's statement of reasons for allowance:

Renumbered independent claims 1 and 39 among other things teach a system to monitor performance, the system comprising at least a host machine comprising a probe that collects metrics related to performance of an associated domain. The probe is embedded in the domain and includes an associated control module with user selectable parameters for controlling operation of the probe that can be customized by a user without affecting the operation of the associated domain. The probe comprises a system probe to gather operating system data and metrics. The probe reports its data to at least one base station on a low priority thread scheduled when the host machine is busy running high priority threads. A server interfaces between a browser and a base station, the server retrieves selected data and streams out the probes data live or in real-time. These features are further expanded upon and made unique by the interoperable naming service that assigns unique identifiers to each base station in response to the base station coming online or becoming active. The above features in conjunction with the probe releasing any resources utilized by the probe when the probe is unable to associate with a base station in a computer networking environment makes the patentable over the cited art.

The prior art does not teach the cited limitation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CORRESPONDANCE INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 9:00-5:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin R Bruckart

Examiner

Art Unit 2446

/Benjamin R Bruckart/

Primary Examiner, Art Unit 2446